

UNITED STATES of AMERICA
U.S. DISTRICT COURT -- EASTERN DISTRICT OF MICHIGAN

RONALD KOVALESKI,

Plaintiff,

DEMAND FOR JURY TRIAL

-vs-

Case No.
Hon.

SUNRISE CREDIT SERVICES INC,

Defendant.

COMPLAINT & JURY DEMAND

Introduction

1. The FDCPA broadly prohibits unfair or unconscionable collection methods; conduct which harasses, oppresses or abuses any debtor; and any false, deceptive or misleading statements, in connection with the collection of a debt; it also requires debt collectors to give debtors certain information. 15 U.S.C. §§1692d, 1692e, 1692f and 1692g.

Jurisdiction

2. This court has federal question jurisdiction under the Fair Debt Collection Practices Act, 15 U.S.C. §1692k(d) and 28 U.S.C. §§1331, 1337.
3. This court may exercise supplemental jurisdiction over the related state law claims arising out of the same nucleus of operative facts which give rise to the Federal law claims.

Parties

4. The Plaintiff to this lawsuit resides in Livonia, Michigan in Wayne County.

5. Sunrise Credit Services Inc, (“SCSI”) is a corporation doing business in Michigan.

Venue

6. The transactions and occurrences which give rise to this action occurred in Wayne County.
7. Venue is proper in the Eastern District of Michigan.

General Allegations

8. Prior to October 17, 2014, an unknown creditor hired SCSI to collect an alleged debt, allegedly owed by Plaintiff.
9. On or about October 17, 2014, SCSI contacted the Plaintiff by phone.
10. On or about October 17, 2014, Plaintiff spoke with an agent of SCSI identified as “Michael” and during that phone conversation, SCSI failed to provide notice pursuant to 15 U.S.C. §1692e(11).
11. On or about October 22, 2014, SCSI, in an attempt to collect a debt, through “Michael” left a voice message for the Plaintiff reciting the Plaintiff’s home address and representing to the Plaintiff that SCSI’s agent would be at the Plaintiff’s home that day to break Plaintiff’s jaw and to break Plaintiff’s legs.
12. Plaintiff has suffered grave emotional distress, fear, terror, embarrassment, humiliation and other damages as a result of SCSI’s threat to do great bodily harm in an attempt to collect a debt.

COUNT I – Fair Debt Collection Practices Act (SCSI)

13. Mr. Kovalski incorporates the preceding allegations by reference.
14. At all relevant times SCSI – in the ordinary course of its business – regularly engaged in the practice of collecting debts on behalf of other individuals or entities.

15. SCSI is a "debt collector" under the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. §1692a(6).
16. SCSI 's foregoing acts in attempting to collect this alleged debt against Mr. Kovaleski constitute violations of the FDCPA.
17. Mr. Kovaleski has suffered damages as a result of these violations of the FDCPA.

COUNT II – Michigan Occupational Code (SCSI)

18. Mr. Kovaleski incorporates the preceding allegations by reference.
19. SCSI is a "collection agency" as that term is defined in the Michigan Occupational Code, M.C.L. § 339.901(b).
20. Mr. Kovaleski is a debtor as that term is defined in M.C.L. § 339.901(f).
21. SCSI 's foregoing acts in attempting to collect this alleged debt against Mr. Kovaleski constitute violations of the Occupational Code.
22. Mr. Kovaleski has suffered damages as a result of these violations of the Michigan Occupational Code.

Demand for Jury Trial

23. Plaintiff demands trial by jury in this action.

Demand For Judgment for Relief

ACCORDINGLY, Mr. Kovaleski requests that the Court:

- a. Assume jurisdiction over all claims;.*
- b. Award actual damages.*
- c. Award statutory damages.*
- d. Award punitive damages.*

e. Award statutory costs and attorney fees.

Respectfully Submitted,

ADAM G. TAUB & ASSOCIATES
CONSUMER LAW GROUP, PLC

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